

REMARKS

These remarks are set forth in response to the non-final office action mailed April 30, 2004 (the "Office Action"). As this amendment has been timely filed within the six-month statutory period, but subsequent to the three-month shortened statutory period, a petition for a three-month extension of time has been enclosed as has a corresponding petition fee. Presently, claims 1 through 20 are pending in the Patent Application. In the Office Action, each of claims 1 through 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,724,578 to Morinaga et al. (Morinaga) in view of U.S. Patent Application Publication No. 2002/0035697 to McCurdy et al (McCurdy). Moreover, claims 3 and 15 have been objected to for a minor informality in that each lacks a period at the end of the claim.

In response, the Applicants have amended claims 3 and 15 to add a missing period at the end of each claim. Otherwise, the Applicants respectfully traverse the rejections on the art and request that the Examiner reconsider the suitability of Morinaga and McCurdy as a combined reference in support of a prima facie case of obviousness. Prior to addressing the rejections on the art, however, a brief review of the Applicants' invention would be appropriate.

The Applicants have invented a new, useful and non-obvious system and method for managing both access to and digital rights in secure files in a collaborative environment. Generally, a collaborative environment can include one or more persons sharing files across one or more computing devices such as personal computers, handheld computers, personal digital assistants and the like. When configured for use with a particular authoring application, files created using the authoring application can be securely shared with other collaborators using the same authoring application. In particular, access to an authored file can be limited according to the preferences of the file author. These limitations can include not only absolute limitations, for instance the identity of a collaborator who is permitted to access and whether collaborators can

save, modify or print the file, but also intermediate limitations, for example periods of time during which collaborators can access the file.

In a preferred aspect of the present invention, collaborative files can be secured through a combination of encryption, access policy specification and digital rights management. In particular, once encrypted, the file can be associated with a digital container which specifies both the access policy pertaining to the file and digital rights managing the level of access permitted in the file. The access policy can identify the type of user or users who are permitted to access the file. The access policy also can specify a time period during which users can access the file. Still, the access policy is not limited to the examples specified herein and the access policy can include any time of access limitation which generally limits access to the file based upon the identity of the user, the contents of the file or the period when the file can or cannot be accessed.

The digital rights, by comparison, can specify those operations which can be performed on the file once a user has been granted access to the file. Digital rights can include any type of operational limitation, for example whether a user can print, save, copy, or modify the file. Notably, the digital rights can vary according to the identity or class of user, however, in a preferred aspect of the invention, digital rights can be specified by the author, or by default, independently from the access policy.

Importantly, files which have been secured in accordance with the inventive arrangements can be distributed without requiring collaborators to maintain network access to a centralized server in which access to the distributed files can be managed. Rather, access to secured files can be managed locally, from within the computing device in which a collaborator attempts to access the secured file. In this regard, access to each secured file can be managed according to the access policy and digital rights specified in the digital container appended to the secured file. Also, unlike prior art digital rights management systems, collaborators can access

secured files transparently and seamlessly through the authoring application without requiring the collaborator to invoke third party security applications. *Significantly, the seamless and transparent access to secured files through an authoring application can be facilitated through the trapping of file I/O requests issued by the authoring application.*

More specifically, exemplary independent claim 1 and 13 recite a methodology and apparatus having the following steps:

- (A) identifying a file input/output (I/O) request to access a file, said file I/O request originating in an authoring application;
- (B) suppressing said file I/O request;
- (C) automatically extracting digital rights management data appended to said file;
- (D) providing said file to said authoring application; and,
- (E) managing access to said file in said authoring application based upon said extracted digital rights management data.

Steps A through C relate to the interception of a file I/O request originating from an authoring application. Steps D and E relate to the use of digital rights management data retrieved from a file associated with the file I/O request in the course of managing access to the file in the authoring application. Thus, as it will be apparent from the plain language of claims 1 and 13 (and also independent claims 9 and 12), handling file I/O requests in respect to the seamless management of digital rights in an authoring application is central to the Applicants' invention.

Importantly, the cited portion of Morinaga wholly lacks any reference to the interception and processing of file I/O requests as explicitly recited in all of the independent claims. As an example, Morinaga provides no mention of a file I/O request originating from an authoring application as specifically stated in limitation A above. Morinaga further lacks any reference, whether explicit or implicit to the suppression of a file I/O request as explicitly recited in

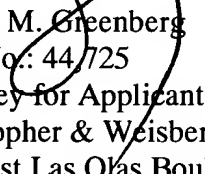
limitation B above. Finally, the cited portion of McCurdy does not cure the deficiencies of Morinaga in that neither McCurdy nor Morinaga teach limitations A through B above.

Importantly, the Applicants' claim limitations are to be taken as a whole and a *prima facie* case of obviousness requires that references are located which explicitly recite each stated limitation of the subject. Because Morinaga and McCurdy wholly lack any teaching directed to limitations A through B, a *prima facie* case has not been established. Additionally, a motivation to combine Morinaga and McCurdy also must be apparent from within the cited references. Yet, hindsight in producing a motivation to combine is not permitted. In the instant case, McCurdy makes no mention of the need to process file I/O requests to handle digital rights management. Digital rights management, as a general proposition, bears no relation to handling file I/O requests. In fact, it is well known that digital rights management ordinarily is performed without respect to handling of file I/O requests, but with respect only to the files themselves.

In view of the foregoing remarks, the Applicants respectfully request the withdrawal of the rejections on the art based upon the Morinaga and McCurdy references. The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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